

Serial No. 10/714,604

**REMARKS****STATUS OF THE CLAIMS**

Claims 1-15 have been pending in the application.

The claims are objected to because allegedly the claims are generally narrative and indefinite, failing to conform with current U.S. practice.

Claims 5, 7, and 13-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 3, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Lim (U.S. Patent No. 5,974,552).

Claims 2, and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim in view of Kang (U.S. Patent No. 6,434,696).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lim in view of Kang and further in view of Velasco et al. (U.S. Patent No. 6,813,674).

Claim 15 is objected to as being allowable if amended into independent form.

According to the foregoing, the Abstract, the specification, and the claims are amended, claims 1 and 14 are canceled without disclaimer or prejudice, new claim 16 is added, and, thus, the pending claims remain pending for reconsideration, which is respectfully requested.

No new matter has been added.

**IN THE ABSTRACT**

The Office Action page 2, item 1 objects to the Abstract, because it exceeds 150 words. According to the foregoing the Abstract is replaced. Withdrawal of the objection to the Abstract is respectfully requested.

Serial No. 10/714,604

**IN THE SPECIFICATION**

The Office Action page 2, item 3 objects to the specification for alleged grammatical and idiomatic errors. According to the forgoing, the specification is amended taking into consideration the Examiner's comments. Withdrawal of the objection to the specification is respectfully requested.

**CLAIMS OBJECTION AND 35 USC 112, SECOND PARAGRAPH, REJECTION**

The Office Action page 2, item 4 objects to the claims for alleged grammatical and idiomatic errors, including lacking antecedent basis.

The Office Action page 3, item 7 rejects claims 5, 7 and 13-15 under 35 USC 112, second paragraph, for being indefinite.

According to the foregoing, the claims are amended taking into consideration the Examiner's comments. Withdrawal of the claims objection and the 35 USC 112, second paragraph, rejection, is respectfully requested.

**35 USC 101 REJECTION**

Claims 8-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. According to the foregoing, claims 8-13 are amended to recite "A computer readable recording medium," which falls under statutory subject matter categories of 35 USC 101. Withdrawal of the rejection is respectfully requested.

**35 USC 102 AND 103 REJECTIONS**

Regarding the prior art rejections, it is submitted that dependent claims 3 and 7 are patentably distinguishing over Lim, Kang and Valasco.

According to the foregoing, dependent claim 3 is amended into independent form. Dependent claim 7 is amended into independent form incorporating the features of independent claim 1. Furthermore, independent claim 8 is amended along the lines of independent claim 7. New independent claim 16 is a method claim along the lines of independent claim 7 and is allowable for same allowability rationale as for claim 7. Furthermore, objected to allowed dependent claim 15 is amended into independent form. Thus, it is understood that independent claim 15 is allowable.

Serial No. 10/714,604

Thus, the independent claims are 3, 7, 8, 12, 15 and new claim 16.

Lim does not disclose or suggest to one skilled in the art the claimed features of independent claims, using claim 3 as an example. Lim is relied upon to anticipatorily reject independent claim 3. The Office Action page 4 provides that a boot part is disclosed in Lim's S2, S5, S6, and a selection part in Lim column 5, lines 19-21, 21-26, 33-37, S3, S10-S11. However, Applicants respectfully disagree, because Lim does not disclose or suggest to one skilled in the art the claimed present invention's "a selection part capable of ***selectively setting whether the initialization processing according to said initialization part is made when said apparatus is shifted to the standby mode*** by said standby mode shifting part, ***or before or at the time when the boot processing is performed by said power supply being turningturned on.***" To the contrary, Lim at S10 only selects an ordinary power off operation or Hibernation Mode when placing an apparatus into a non-working condition, and at S11 only stores the data and operating system prior to going into hibernation, but Lim does not discuss "***selectively setting whether the initialization processing according to said initialization part is made when said apparatus is shifted to the standby mode,***" because Lim does not perform any initialization processing at S11 when going into the standby mode. Therefore, the difference between Lim and the claimed present invention is clear, and Limb cannot anticipate the claimed present invention, because Lim fails to disclose, either expressly or inherently, each and every element of the present invention including "***selectively setting whether the initialization processing according to said initialization part is made when said apparatus is shifted to the standby mode ... or before or at the time when the boot processing is performed by said power supply being turningturned on.***" In other words, the claimed present invention provides a benefit of omitting an initialization process, such as a POST, when the operating system is booted after coming out of a standby mode, because the POST is executed prior going into the standby mode (see the present Application FIG. 2, operations 37 and 38, which perform a POST prior to going into the standby at operation S2A, and after the standby, in S2B and S2C the computer is restored from the standby and the OS is booted without performing the POST. For example, the present Application page 6, lines 9-15; and page 8, line 16 to page 9, 12; and page 9, line 25 to page 10, line 13; and FIG. 2 operations 36, 37, 38, 39, 2A, 2B, and 2C support the claims.

Similarly, regarding independent claims 7, 8, 12 and new claim 16, Lim and Kang fail to disclose or suggest to one skilled in the art the claimed present invention, because Kang only

Serial No. 10/714,604

discusses performing a POST before a normal booting, which differs from the claimed present invention performing initialization upon receipt of a standby instruction to place the apparatus into standby or "an initialization *part performing initialization processing of at least a part of said apparatus upon receipt of an instruction for placing said apparatus into a non-workinga standby condition*" (e.g. claim 7).

The Examiner also suggests combining Lim and Kang with Velasco. However, Velasco column 2, lines 82 - 36 and column 4, lines 6 - 12 are not relevant to the claimed features of claim 7, that is, performing initialization upon receipt of a standby instruction to place the apparatus into standby or "an initialization *part performing initialization processing of at least a part of said apparatus upon receipt of an instruction for placing said apparatus into a non-workinga standby condition*." In Velasco column 2, lines 32-36, an object to be initialized is a timer and there is a description that "Activity timers 23 may also be provided. The activity timers are typically initialized by software to specify the amount of idle time which may be allowed to elapse before moving to the next (typically lower) power consumption state." Therefore, Velasco fails to provide a motivation to one skilled in the art to combine Lim and Kang's initialization processing, for example a POST, with Velasco and to modify such a combined system to achieve the claimed present invention, because Velasco only initializes a timer, but not a computer system. Also, there is no motivation to combine Lim and Kang with the description of Velasco column 4, lines 6-12, which discusses controlling and thereby reducing power consumption in a computer. In contrast to Lim, Kang and Velasco, the claimed present invention as recited in independent claims 7, 8 and 16, using claim 7 as an example, provides:

7. (CURRENTLY AMENDED) ~~The~~An apparatus,  
~~comprising: with a standby mode as set forth in claim 4,~~  
~~characterized in that said initialization part performs the~~  
~~initialization processing~~

an initialization *part performing initialization processing of at least a part of said apparatus upon receipt of an instruction for placing said apparatus into a non-workinga standby condition*;

a standby mode *shifting part shifting said apparatus to the standby mode while maintaining a state of said apparatus initialized by said initialization part*; and

a restoration part *restoring said apparatus from the standby mode, according to said standby mode shifting part with said initialized state being maintained* (emphasis added).

Serial No. 10/714,604

In contrast to Lim, Kang and Velasco, the claimed present invention as recited in independent claim 12, provides:

12. (CURRENTLY AMENDED) A program computer readable recording medium storing at least one program for operating a computer system with a standby mode, said program making said computer system function as according to a process comprising:

an operating part for operating said computer system; and

a selection part for selectively setting one of a first mode and a second mode, said first mode being such that giving another program is given an instruction for shifting said computer system to a stand-by standby state while performing initialization processing of said computer system at the time of shutdown processing of said operating part, said second mode being such that said initialization processing is performed initializing said computer system before booting for said operating of the computer system part is booted (emphasis added).

Accordingly, in view of the foregoing claim amendments and remarks, withdrawal of the rejection of pending claims and allowance of pending claims is respectfully requested.

### CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,  
STAAS & HALSEY LLP

Date: May 15, 2006

By: 

Mehdi D. Sheikerz  
Registration No. 41,307

1201 New York Avenue, NW, 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501

#### CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents.

P.O. Box 1450, Alexandria, VA 22313-1450  
on May 15, 2006

STAAS & HALSEY  
By: Mehdi Sheikerz

Date: May 15, 2006